
A BILL FOR AN ACT

RELATED TO MENTAL HEALTH TREATMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 334, Hawaii Revised Statutes, is
2 amended by adding a new section to part VIII to be appropriately
3 designated and to read as follows:

4 "§334- Examination for assisted community treatment
5 indication. A licensed psychiatrist or advanced practice
6 registered nurse with prescriptive authority and who holds an
7 accredited national certification in an advanced practice
8 registered nurse psychiatric specialization associated with the
9 licensed psychiatric facility where an individual is located who
10 was committed to involuntary hospitalization pursuant to this
11 part, or delivered for emergency examination or emergency
12 hospitalization pursuant to section 334-59, or was voluntarily
13 admitted to inpatient treatment at a psychiatric facility
14 pursuant to section 334-60.1, shall prior to the individual's
15 discharge examine the individual to determine whether an
16 assisted community treatment plan is indicated pursuant to
17 section 334-123. If a plan is indicated, the psychiatrist or



advanced practice registered nurse shall prepare the certificate specified by section 334-123(b), and the facility shall notify the department of the attorney general, who shall assist with the petition for assisted community treatment and the related court proceeding. The facility may notify another mental health program for assistance with the coordination of care in the community. Nothing in this section shall delay the appropriate discharge of a person from the facility after the examination for assisted community treatment indication has been completed."

SECTION 2. The department of health shall convene a mental health emergencies task force. The task force shall:

- (1) Assess the reasons that medical facilities are not evaluating persons brought to their emergency rooms for mental health emergencies for whether the person meets the criteria for an assisted community treatment plan and for other mental health services including inpatient psychiatric care;
- (2) Explore options for creating a state-funded treatment team for persons not under the care of the director of health who may be in need of an emergency examination



1 and hospitalization or an assisted community treatment
2 plan;

3 (3) Submit a report of its findings and recommendations,
4 including any proposed legislation, to the legislature
5 no later than sixty days prior to the convening of the
6 regular session of 2020; and

7 (4) Involve representatives from private sector facilities
8 with emergency rooms and community-based service
9 providers.

10 SECTION 3. Act 221, Session Laws of Hawaii 2013,
11 section 24, as amended by Act 114, Session Laws of Hawaii 2016,
12 section 6, is amended to read as follows:

13 "SECTION 24. This Act shall take effect on January 1,
14 2014; provided that:

15 (1) Petitions filed pursuant to section 334-123, Hawaii
16 Revised Statutes, for assisted community treatment
17 involving a designated mental health program that is a
18 state-operated provider shall not be filed until after
19 July 1, 2015;

20 (2) Any private provider wishing to file a petition
21 pursuant to section 334-123, Hawaii Revised Statutes,



1 for assisted community treatment may do so after
2 January 1, 2014, [~~using its own resources,~~] if the
3 petitioner is to be the designated mental health
4 program; [~~and~~]

5 (3) Any interested party wishing to file a petition
6 pursuant to section 334-123, Hawaii Revised Statutes,
7 for assisted community treatment may do so after
8 January 1, 2014, [~~using the party's own resources,~~] if
9 the designated mental health program is a private
10 provider[~~-~~]; and

11 (4) The department of the attorney general shall assist
12 with the petitions brought pursuant to section
13 334-123, Hawaii Revised Statutes, and the related
14 court proceeding, unless the private provider or other
15 interested party declines."

16 SECTION 4. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on March 15, 2094.



Report Title:

Department of Health; Task Force; Mental Health Petitions;
Attorney General

Description:

Requires an individual to be examined upon commitment to a psychiatric facility for involuntary hospitalization, admission to a psychiatric facility for voluntary inpatient treatment, or transported for emergency examinations, to determine whether an assisted community plan is indicated and, if so, requires the department of the attorney general to assist with the petition for assisted community treatment and related court proceeding. Requires the department of health to convene a mental health emergencies task force. Effective 3/15/2094. (SD2)

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